
PRELIMINARY DRAFT
No. 3389

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2008 GENERAL ASSEMBLY

DIGEST

Citations Affected:

Synopsis: Limitation on Medicaid comprehensive care beds. Prohibits the state department of health from approving the certification of new or converted comprehensive care beds for participation in the Medicaid program until July 1, 2011, unless the state comprehensive care bed occupancy rate is more than 95% in health facilities. Allows for an exception for replacement beds if specified requirements are met.

Effective: July 1, 2008.



A BILL FOR AN ACT concerning Medicaid.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE JULY 1, 2008] (a) As used in this
2 SECTION, "comprehensive care bed" means a bed that:

- 3 (1) is licensed or is to be licensed under IC 16-28-2;
4 (2) functions as a bed licensed under IC 16-28-2; or
5 (3) is subject to IC 16-28.

6 The term does not include a comprehensive care bed that will be
7 used solely to provide specialized services and that is subject to
8 IC 16-29.

9 (b) As used in this SECTION, "replacement bed" means a
10 comprehensive care bed that is relocated to a health facility that is
11 licensed or is to be licensed under IC 16-28. This term includes
12 comprehensive care beds that are certified for participation in:

- 13 (1) the state Medicaid program; or
14 (2) both the state Medicaid program and federal Medicare
15 program.

16 (c) Except as provided in subsection (d), the Indiana health
17 facilities council may not recommend and the state department of
18 health may not approve the certification of new or converted
19 comprehensive care beds for participation in the state Medicaid
20 program unless the statewide comprehensive care bed occupancy
21 rate is more than ninety-five percent (95%), as calculated annually
22 on January 1 by the state department of health.

23 (d) This SECTION does not apply to a health facility that:

- 24 (1) seeks a replacement bed exception under subsection (c);
25 (2) is licensed or is to be licensed under IC 16-28;
26 (3) applies to the state department of health to certify a
27 comprehensive care bed for participation in the Medicaid
28 program if the comprehensive care bed for which the health
29 facility is seeking certification is a replacement bed for an
30 existing comprehensive care bed;
31 (4) applies to the division of aging in the manner:
32 (A) described in subsection (e); and



- 1 **(B) prescribed by the division; and**
2 **(5) meets the licensure, survey, and certification requirements**
3 **of IC 16-28.**
4 **(e) An application described in subsection (d)(4) for a**
5 **replacement bed exception must include the following:**
6 **(1) The total number and identification of the existing**
7 **comprehensive care beds that the applicant requests be**
8 **replaced by health facility location and by provider.**
9 **(2) A verification from the health facility holding the**
10 **comprehensive care bed certification that the health facility**
11 **has agreed to transfer the beds to the applicant health facility.**
12 **(3) A copy of the complete agreement between the health**
13 **facility transferring the beds and the applicant health facility.**
14 **(4) Any other information requested by the division of aging**
15 **that is necessary to evaluate the transaction.**
16 **(f) This SECTION expires June 30, 2011.**

